IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY SEVENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT PETITION NO : 17440 of 2003

Between:

1. K.Talupulu S/o.Appanna, Age: 53 years, Occup: 2nd Secretary,
The Vempadu Primary Agricultural Cooperative Society Limited
Regd.No.328, Vempadu (V&P) Nakkapalli Mandal, Visakhapatnam Dt.
2. S.V.A.N.Raju S/o.Venkatapathy Raju, Aged: 52 years, Occup: Secretary, The Vempadu Primary Agricultural Cooperative Society Limited
Regd.No.328, Vempadu (V&P) Nakkapalli Mandal, Visakhapatnam Dt
3. K.V. Satyanarayana Raju, s/o Kannam Raju, Aged: 43 years, Occup: Accountant, The Vempadu Primary Agricultural Cooperative Society Limited
Regd.No.328, Vempadu (V&P) Nakkapalli Mandal, Visakhapatnam Dt

4. T.V.A. Satyanarayana, s/o Appa Rao, Aged: 39 years, Occup: Clerk, The Vempadu Primary Agricultural Cooperative Society Limited
Regd.No.328, Vempadu (V&P) Nakkapalli Mandal, Visakhapatnam Dt

5. P.S.V. Suryanarayana Raju s/o Suryanarayana Raju, Aged 49 years , Occup: Clerk, The Vempadu Primary Agricultural Cooperative Society Limited
Regd.No.328, Vempadu (V&P) Nakkapalli Mandal, Visakhapatnam Dt

..... PETITIONERS

AND

1 The Government of Andhra Pradesh Cooperation Department
rep.by its Secretary, Secretariat Hyderabad.
2 The Commissioner for Cooperation and Registrar of Coop. Societies,
Nampalli, Hyderabad.
3 The Visakhapatnam District Coop.Central Bank Ltd., rep.by its General Manager
Visakhapatnam, Visakhapatnam District.
4 The District Coop.Officer, Visakhapatnam, Visakhapatnam District.
5 The Divisional Coop.Officer, Yelamanchili, Visakhapatnam District.

6 The Vempadu Primary Agricultural Cooperative Society Limited, No.328
Vempadu (V&P) Nakkapalli Mandal Visakhapatnam District
rep.its Chair Person.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or order or direction, more particularly one in the nature of writ of mandamus declaring the action of the respondents in not paying the salaries to the petitioners is illegal, arbitrary and violative of Article 14 and 21 of the Constitution of India and consequently direct the respondents to pay salaries to the petitioners without reference to Sec.116- C of the Act.

Counsel for the Petitioner:MR.A.SATYA PRASAD

Counsel for the Respondent No. 1,2,4 &5: G.P. for CO-OPERATION

Counsel for the Respondent Nos. 3 &6: --

The Court made the following :

:ORAL ORDER:

The petitioners are employees of the 6th respondent-Co-operative Society. The said respondent stopped paying salaries to the writ petitioners since April, 2003. This was on account of the need of the said respondent-Society to conform to the mandatory requirement of Section 116-C of the A.P. Co-operative Societies Act, 1964 (for short 'the Act'). It is admitted by the petitioners that the financial position of the 6th respondent-Society is not such as to permit payment of salaries to them in the light of Section 116-C of the Act. The petitioners do not establish any liability of the State Government to pay them the salaries. This liability is that of the 6th respondent-Society alone. It is not also established that the 6th respondent-Society is a State within the meaning of Article 12 of the Constitution. In the above circumstances, the writ petition itself is not maintainable nor could any relief be granted on merits, to the petitioners herein. The writ petition is, accordingly, dismissed. The petitioners are, however, at liberty to pursue alternative remedy as is available at law. No costs.

GODA RAGHURAM, J

Dt. 27-07-2004

Pvks/*

To

1 The Secretary, the Government of Andhra Pradesh Cooperation Department Secretariat Hyderabad.
2 The Commissioner for Cooperation and Registrar of Coop. Societies, Nampalli, Hyderabad.
3 The General Manager,
Visakhapatnam District Coop.Central Bank Ltd., Visakhapatnam, Visakhapatnam District.
4 The District Coop.Officer, Visakhapatnam, Visakhapatnam District.
5 The Divisional Coop.Officer, Yelamanchili, Visakhapatnam District.
6 The Chair Person, the Vempadu Primary Agricultural Cooperative Society Limited, No.328
Vempadu (V&P) Nakkapalli Mandal Visakhapatnam District.

7.2CCs to the Government Pleader for Co-operation, A.P. High Court Buildings, Hyderabad (OUT).

8.2CD copies